

WHAT'S BEHIND THE LABEL?

Assessing the Impact of MSC and ASC Seafood Certifications in Canada

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photo Colleen Turlo

TABLE OF CONTENTS

SUSTAINABLE SEAFOOD CERTIFICATIONS IN CANADA.	3
REVIEWING MSC AND ASC CERTIFICATIONS.	4
MSC AND ASC CERTIFICATIONS IN CANADA.	5
KEY FINDINGS: MSC.	6
KEY FINDINGS: ASC.	7
HOW MSC AND ASC WORK.	8
WHAT DO MSC CERTIFICATIONS TELL US ABOUT CANADIAN FISHERIES?	9
HOLDING THE BAR: ARE CANADIAN SALMON FARMS BEING HELD TO THE ASC STANDARD?	19
NEXT STEPS FOR SEAFOOD ECO-LABELS IN CANADA.	28
REFERENCES.	30

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SUSTAINABLE SEAFOOD CERTIFICATIONS IN CANADA

Over the last two decades, sustainable seafood certification and labelling programs have been on the rise as a tool to tackle the depletion of the world's fish stocks and address the impacts of fishing and aquaculture on the marine environment.

Eco-certifications seek to increase the demand for sustainable seafood and, in turn, create market incentives to improve fisheries and aquaculture practices. These market efforts are now big business. The global retail value of eco-certified seafood was estimated to be worth US \$11.5 billion in 2015.¹

The Marine Stewardship Council (MSC), the most prominent global certification program for wild fisheries, has been in Canada for a decade. Over two-thirds of the country's fisheries' landings are now certified to carry the eco-label. The Aquaculture Stewardship Council (ASC) is a newer, complementary aquaculture certification program that has been in Canada for two years and has certified a growing number of salmon farms. Both of these organizations are referred to as the 'gold standards' for sustainability in the marketplace,² and the MSC has been named by the Canadian government in their marketing and sustainability goals for seafood products.³

Fisheries and aquaculture producers pay a fee to be assessed against the MSC and ASC Standards. If certified, they are allowed to carry the eco-certification label on their seafood products, which may provide access to new markets or price premiums.

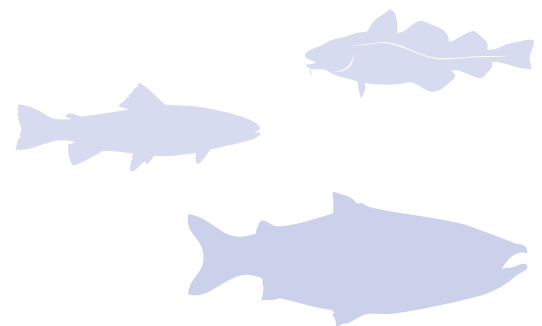
Given the growing volume of Canadian seafood that is certified by third party organizations like MSC and ASC, it is critical that the certification Standards and processes are credible and lead to genuine sustainability improvements 'on the water' to seafood fishing and farming.

MARINE STEWARDSHIP COUNCIL

- Established in 1997
- \$20M USD budget*
- 296 fisheries certified in 35 countries**
- 12% of global fisheries production certified**
- 24,000 labelled products*
- 3,700 supply chain participants with Chain of Custody †

AQUACULTURE STEWARDSHIP COUNCIL

- Established in 2010
- \$1.7M EURO budget †
- The Salmon Standard is 1 of 8 species' Standards †
- 198 salmon farms certified globally †
- A total of 1,182,004 MT farmed seafood is ASC certified globally †
- Farmed salmon represents 598,146 MT and is ASC's leading certified product †
- 8,636 labelled products †
- 35% of labelled products are farmed salmon †
- 1,228 supply chain participants with Chain of Custody †



*2016 MSC Global Impacts Report

**2017 MSC Global Impacts Report

†2015 financial year 'Cost of Charitable Activities'⁵

‡As of June 2017⁴

REVIEWING MSC AND ASC CERTIFICATIONS

This report is the first review of all Canadian MSC and ASC certifications* which examines if and how they are contributing to improving the environmental sustainability of Canadian fisheries and aquaculture practices. SeaChoice is well placed to carry out this review: SeaChoice and our member organizations have been stakeholders in Canadian seafood certifications for over a decade, participating in 74 per cent of all MSC certifications and 88 per cent of ASC certifications. Our organisations have also participated in both programs' Standard Advisory Committees and contributes to their Standard development consultations.

Our analysis of a decade of MSC certifications in Canada found that the certification program has played an important role in helping to push forward fisheries' regulatory policy and spur timely research work. The program has increased the availability of data and transparency in the Canadian government's decision-making in order to meet the MSC Standards. However, analysis also shows that once fisheries are MSC certified, there is little change to fishery practices that directly improves their environmental impacts on habitat, non-target species and ecosystem function. There are also increasing concerns with timeline extensions and flexible interpretations of the application of Standard requirements that may be reducing MSC's credibility in Canada. With the majority of Canadian fisheries MSC certified, there may be little leverage left for change until the MSC Standard requirements themselves are raised and more strictly implemented.

It was just two years ago that the first salmon farm was certified in Canada.⁶ It is difficult, therefore, to determine whether or not the ASC is leading to environmental improvements 'on the water'. However, our review of all audits to date found emerging patterns with the implementation of the ASC Standard. For example, certified Canadian farms depart from the Standard and require variances to the ASC's requirements. This has the potential to undermine benefits from improvements and should be addressed at this early stage of the program in Canada.

REVIEW METHODOLOGY

We reviewed the performance of Canadian fisheries and salmon aquaculture operations against MSC and ASC Standards as captured by third party auditors in their certification reporting. We also analysed evidence of progress each fishery and farm has made to meet their certification requirements. The rigour of the audit processes were examined and compared with the guidance provided to auditors by MSC and ASC. Finally, we considered the scope and influence of stakeholder engagement to see if submissions from the public are really being taken into account in the audit and certification processes. All Public Certification Reports and Annual Surveillance Reports for each fishery and farm were reviewed and analysed. They were accessed at [msc.org/en/fishery](https://www.msc.org/en/fishery) and asc.force.com/Certificates/



****This summary report is supported by two technical reports.***

For the complete analysis, refer to the MSC and ASC technical reports at seachoice.org/whats-behind-the-label/

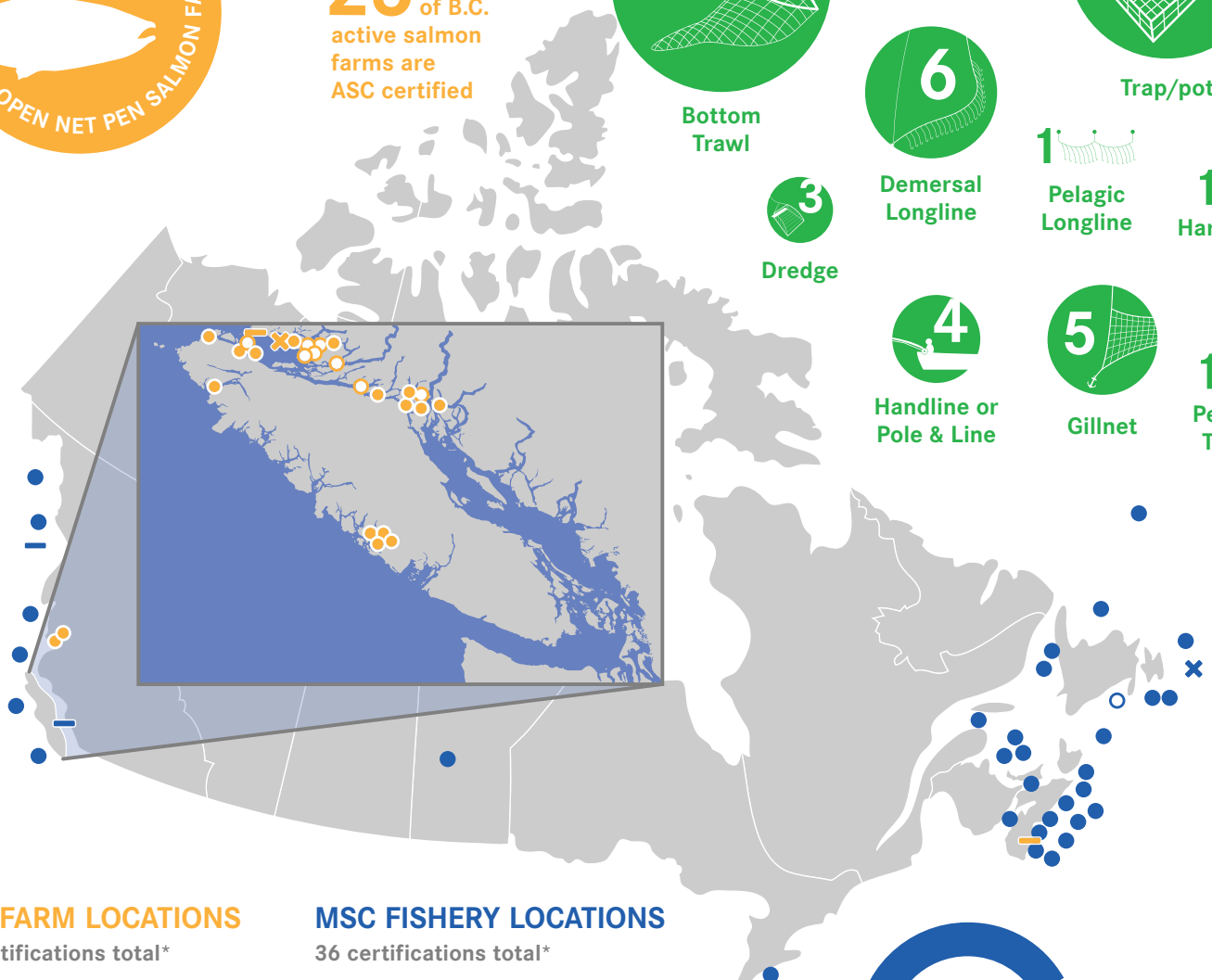
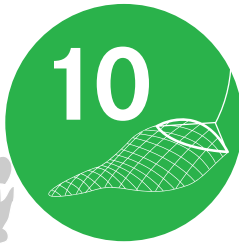
MSC AND ASC CERTIFICATIONS IN CANADA

ASC Certified Farms



Approx **25%** of B.C. active salmon farms are ASC certified

MSC Certifications by Gear Type



ASC FARM LOCATIONS

17 certifications total*

- Certified
- In assessment
- Withdrawn
- ✕ Suspended temporarily

MSC FISHERY LOCATIONS

36 certifications total*

- Certified
- Self-suspended
- Withdrawn
- ✕ Failed



MSC Certifications by Species Group



As of June 2017

KEY FINDINGS: MSC

1

Auditor designation of fishery progress on conditions of certification is not consistent, making it difficult for stakeholders to trust fisheries are being strictly held to their committed timelines for required improvements.

2

Fisheries are allowed to be re-certified and continue to carry the MSC label even when they have failed to meet their required conditions for improvement within the five-year certification deadline.

3

The inability of fisheries to meet conditions of certification within the five-year deadline may indicate some fisheries are granted MSC certification prematurely.

4

Failure to meet deadlines for Principle 2 conditions has yet to result in any Canadian fishery losing their MSC certification.

5

Only 15 per cent of Principle 2 'Environmental and Ecosystem Impacts' conditions of certification resulted in a change to 'on the water' fishery practices.

6

There is growing stakeholder mistrust and dissatisfaction in the MSC Standard due to condition deadline extensions, subjectivity of some certification scoring decisions and concerns that contributions are disregarded.

KEY FINDINGS: ASC

1

Non-conformities in B.C. salmon farms represents a departure from the ASC Standard requiring '100 per cent compliance' to be certified.

2

Evidence of compliance is often missing from audits of B.C. salmon farms.

3

ASC's variance process is overriding the multi-stakeholder agreements on which the Standard's social licence is based. As there is no stakeholder engagement, the variance process may not meet ASC's ISEAL commitments.

4

Variations from the ASC Salmon Standard criteria enable B.C. farms to be certified.

5

Significant stages of the production cycle are never assessed against the ASC Standard. Up to a year is omitted from compliance to the Standard.

6

Farms in major non-compliance to the Standard can sell their product as ASC certified. This suggests ASC's suspension and revocation rules are inadequate and/or underused.

7

The potential effectiveness of stakeholder engagement is limited by ASC governance processes.

HOW MSC AND ASC WORK

Both stewardship councils rely on independent auditing companies to assess fishing or farming clients against their respective Standard(s) and to grant certification. A third party organisation, Accreditation Services International (ASI), accredits and oversees the auditors. The schemes are also members of the International Social and Environmental Accreditation and Labeling (ISEAL) alliance, which sets credibility standards and promotes codes of practice.

The MSC Standard has three core Principles with 31 specific Performance Indicators^a (PIs) that fisheries are scored against by an independent auditing company.

MSC FISHERY STANDARD PRINCIPLES

1. Sustainable fish stocks
2. Minimising environmental impact
3. Effective management

Fishery practices and management are scored against PIs at three scoring level: 'acceptable minimum limit', 'global best practice' or 'near perfect'. The fishery will be certified to use the MSC label for five years if their average score against the Standard is 'global best practice' and no Principle indicators score under 'acceptable minimum limit'. For any practices that score at the 'acceptable minimum limit' the fishery will be given 'conditions of certification', and must make an action plan to improve to 'global best practice' within the five year certification period. The fishery is audited annually by independent auditing companies to ensure they are progressing with their action plan and fulfilling their conditions of certification.⁷

The Salmon Standard version 1.1^b is one of eight ASC species' Standards and consists of seven principles, 36 criteria and a total of 119 indicators, including an additional section for suppliers of smolt (a further seven criteria and 35 indicators). Salmon aquaculture farms are scored against the ASC Standard on a pass/fail basis by an independent auditing company.

ASC SALMON STANDARD PRINCIPLES

1. Comply with all applicable national laws and local regulations
2. Conserve natural habitat, local biodiversity and ecosystem function
3. Protect the health and genetic integrity of wild populations
4. Use resources in an environmentally efficient and responsible manner
5. Manage disease and parasites in an environmentally responsible manner
6. Develop and operate farms in a socially responsible manner
7. Be a good neighbor and conscientious citizen
8. Standards for suppliers of smolt

The ASC Salmon Standard states that in order for a farm to achieve certification it "must meet 100 percent of the [Standard] requirements".⁸ Auditors can raise 'non-conformities' (classified as major or minor) against an audited farm. Major non-conformities must be closed before certification is granted. Minor non-conformities can take up to 15 months for closure, and farms can be certified with any number of open minor non-conformities. An ASC certification is valid for three years, during which two surveillance audits are conducted to assess continued compliance. If non-compliance is identified during the validity of the certification, these should be raised by the auditor.

^aAll fishery certifications reviewed for this report were certified under MSC Fishery Standard Versions 1.3 or earlier. MSC Version 2.0 is now being phased in.

^bVersion 1.1 of the ASC Salmon Standard was released in May 2017. The ASC certified farms within this report were assessed under the ASC Salmon Standard Version 1.0.

WHAT DO MSC CERTIFICATIONS TELL US ABOUT CANADIAN FISHERIES?

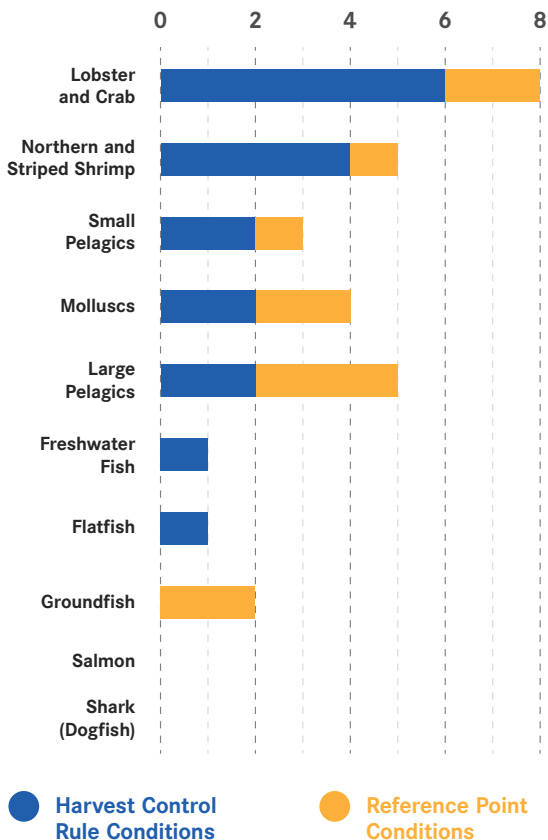
An analysis of the conditions of certification given to Canadian fisheries provides useful information on how fisheries initially fared against the MSC Standard, and where improvements were required within the five year certificate period to reach the MSC ‘global best practice’ bar.

All certified fisheries in Canada received conditions after their original assessments, with an average of six conditions per certification, totaling 172 conditions across all certifications granted. Our analysis across MSC Principles found that certain Performance Indicators commonly received conditions across Canadian fishery certifications. When certifications are grouped by type of species caught or fishing gear used, findings reveal key sustainability shortcomings in Canadian fisheries practices, management and enforcement. The most common conditions under each core MSC Principle are highlighted below.

PRINCIPLE 1

Principle 1 of the MSC Standard assesses the health and management of the target fish stock being certified.

NUMBER OF CERTIFICATION CONDITIONS TO IMPROVE HARVEST CONTROL RULES AND REFERENCE POINTS PER SPECIES GROUP



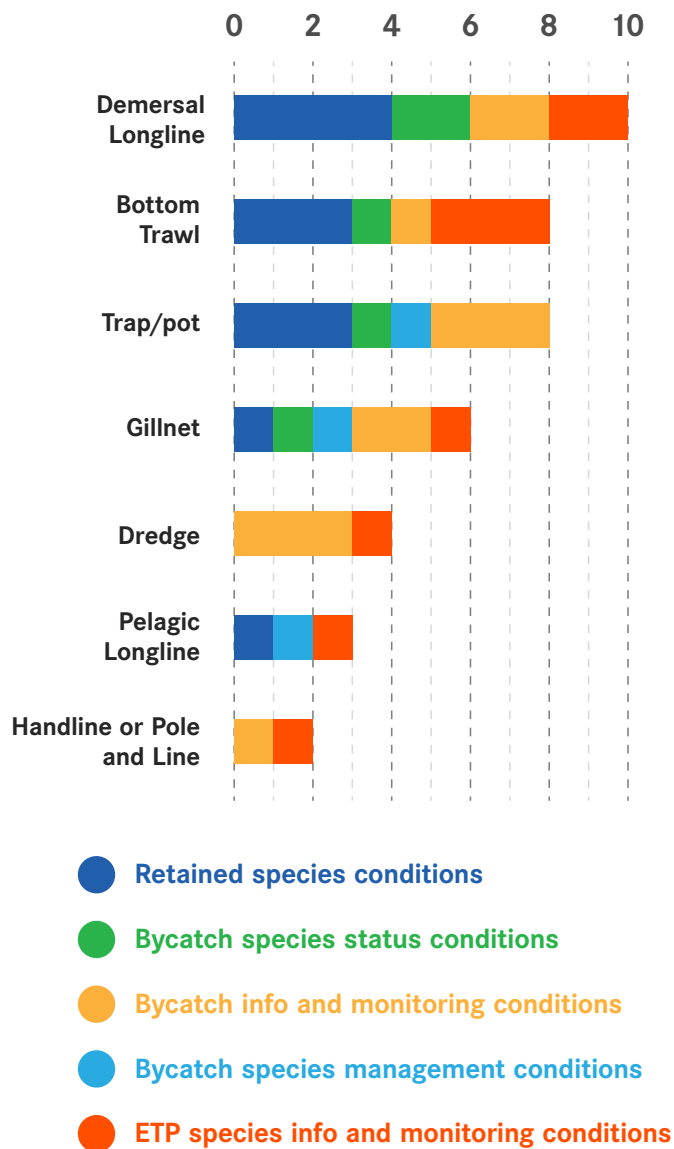
Canadian fisheries received the most conditions of certification under Principle 1 for lack of or weak Harvest Control Rules (HCRs) and reference points. HCRs are a well-defined set of pre-agreed management actions and decisions that will occur based on scientific reference points or objectives that are chosen for a fishery. For example, a fishery may need to reduce its quota of fish caught if the population reaches a predetermined level. It is important these are agreed upon in advance to reduce political influence on decision-making when situations arise. Both HCRs and reference points are required under Canada’s Sustainable Fisheries Framework,⁹ however this analysis suggests that fisheries are still slow to fully adopt these important sustainability measures.

NOTE: 31 of the original certifications are included in our analysis of certification conditions. The original 2008 Northern and Striped Shrimp fishery of SFA 5 & 6 certification findings were included under the 2011 combined certification of SFA 2-6. The Pacific Hake Mid Water Trawl Fishery certification assessment scoring was done using a pre-Standardized MSC Fisheries Assessment Methodology (FAM) that was not comparable to other certifications using the FAM, in terms of Principle Indicator condition assignment. The British Columbia Pink, Chum, and Sockeye Salmon certifications had so many conditions under their original certifications they were not comparable to the other certifications and were in combined re-assessment at the time of this report.

PRINCIPLE 2

Principle 2 of the MSC Standard assesses a fishery’s impact on species that are not the target certification species, as well as the impact of the fishery on the habitat and overall ecosystem health.

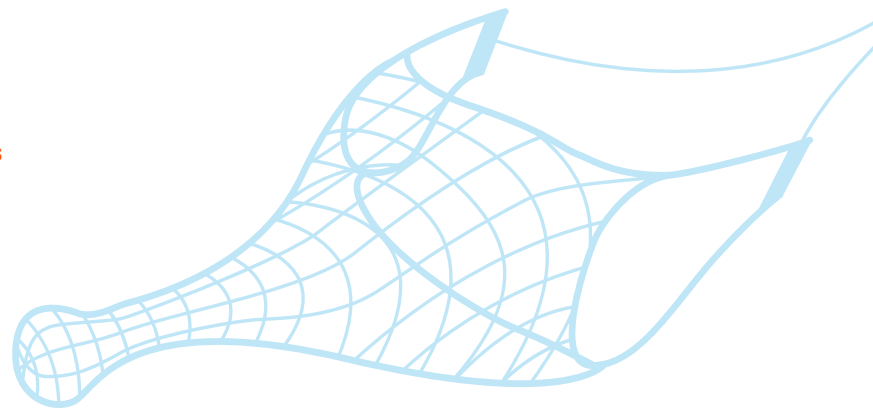
NUMBER OF BYCATCH, NON-TARGET RETAINED, AND ETP* SPECIES RELATED CONDITIONS OF CERTIFICATION



Most Canadian fisheries interact with many different species. Some of these species are retained for sale, others are discarded. ‘Retained, Bycatch, and Endangered, Threatened, and Protected (ETP) species’ certification conditions are designed to ensure that fishery impacts on all species—not just the target species that will carry the MSC label—are within sustainable limits.

Canadian fisheries have received these conditions of certification until they can show that they are not hindering the recovery of any of these species that are depleted, that they are monitoring their fishery impact, and that they are putting in new mitigation measures to reduce mortality of these species, if needed.

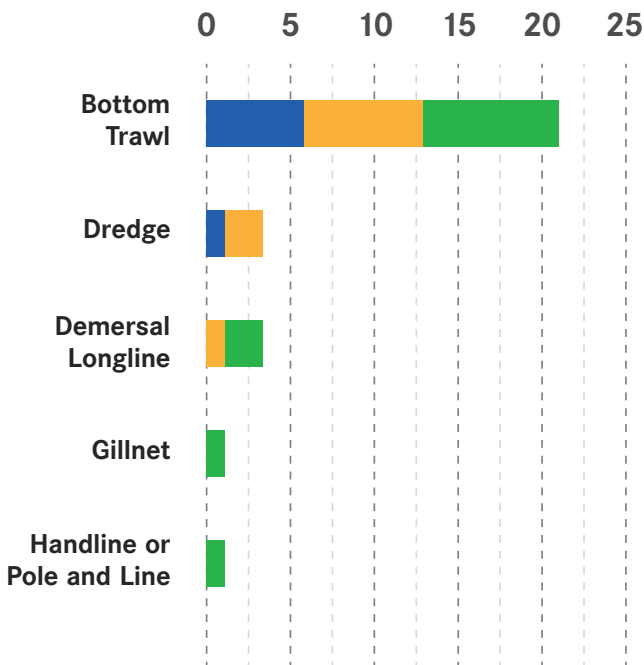
The fact that some certified fisheries did not score at ‘global best practice’ for these areas may reflect that the historic focus of Canada’s fisheries management system has mainly been on the commercially valuable species, while species with low commercial value or those considered secondary or bycatch have not received as much research, data collection or policy attention over the decades.^{10 11 12}



*Endangered, Threatened, and Protected Species.

PRINCIPLE 2 CONTINUED

NUMBER OF HABITAT IMPACT RELATED CONDITIONS OF CERTIFICATION



The analysis found that fisheries gear type was the primary factor in determining the number of conditions related to habitat impacts. Gears that touch the seafloor and can disturb corals and sponges or other habitat, accounted primarily for these conditions. **Bottom trawl fisheries received 73 per cent of all habitat impact certification conditions** and also 94 per cent of the conditions requiring a better understanding and mitigation of the gear impact on ecosystem function. Specifically, the Northern and Striped Shrimp Trawl fisheries account for most imposed conditions due to uncertainty of the extent of damage caused to habitats on the sea floor by the fishing.

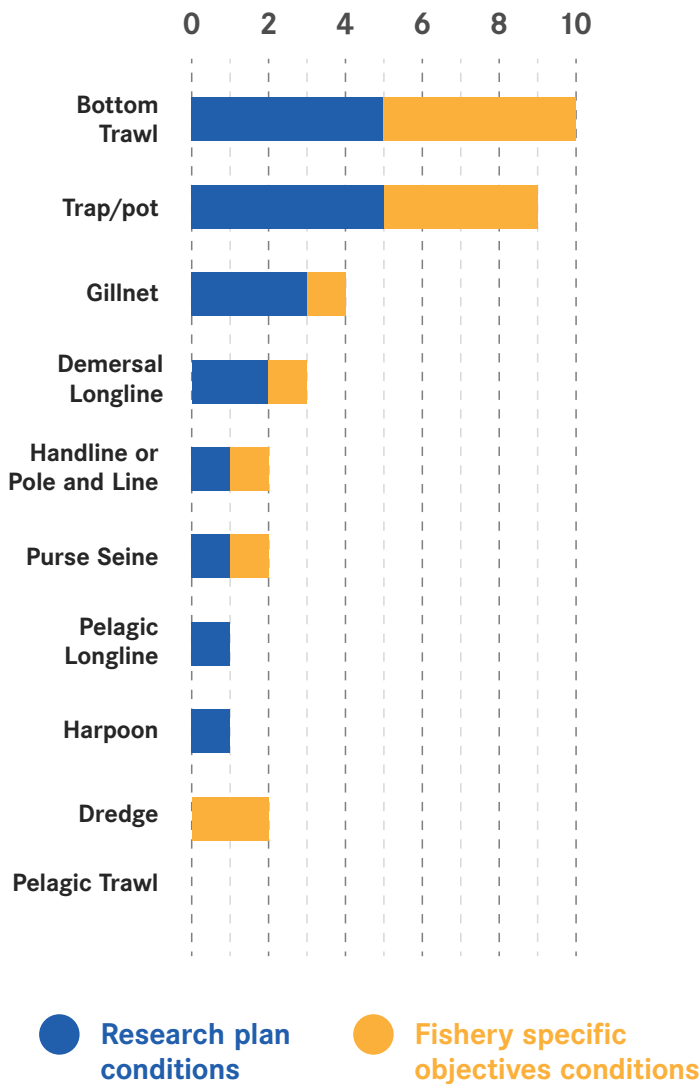
- Habitat management conditions
- Habitat impact conditions
- Habitat info and monitoring conditions



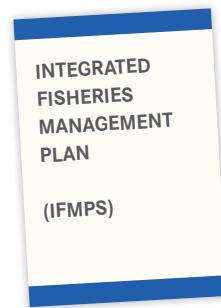
PRINCIPLE 3

Principle 3 of the MSC Standard assesses the overall legal, regulatory and monitoring frameworks governing the fishery (both national and international), as well as specific management systems in place for each fishery including management plans, objectives, research, consultation and compliance.

NUMBER OF CERTIFICATION CONDITIONS TO IMPROVE RESEARCH PLANS AND FISHERY SPECIFIC SUSTAINABILITY OBJECTIVES



Under Principle 3, Canadian fisheries received the most conditions of certification for lack of comprehensive research plans and management objectives that line up with the MSC Principles of sustainable fishing practices: long-term sustainability of the stock, ecosystem management objectives and the precautionary approach. These conditions of certification require these to be explicit in the fishery management documents. Since Principle 3 scores management and governance of fisheries, there are often overarching gaps identified in Fisheries and Oceans Canada (DFO) policy and management systems that become conditions consistently across gear types and fisheries at certification.



Auditors consistently noted that IFMPs are not publicly available across many certified fisheries and made non-binding recommendations that the government put them online for transparency. To date, most are still not updated online.¹³



ARE FISHERIES MEETING THEIR MSC TIMELINES FOR IMPROVEMENT?

In total, Canadian MSC fisheries currently have 69 conditions of certification still in progress.

23 conditions are noted as 'on or ahead of target'

conditions are flagged as 'behind target' **21**

25 conditions did not appear to have an official designation

Every year the fisheries are audited to make sure they are on track with their agreed action plan to improve to 'global best practice' level and close their conditions within the five year certification period. Fisheries that are 'behind target' are given one year to get back on track with actions or they will be suspended or withdraw from MSC certification.^c

One-third of currently open conditions have no audit designation of progress despite the requirements for certification audit companies to note whether conditions are 'on', 'ahead', or 'behind target'. This lack of consistency makes it difficult for stakeholders to oversee certification processes. A 'behind target' designation acts as the start of one year for the fishery to get back to its timeline or be suspended. Without audit designations it is not clear that Standard timelines are always being adhered to.

MSC finding

1

Auditor designation of fishery progress on conditions of certification is not consistent, making it difficult for stakeholders to trust fisheries are being strictly held to their committed timelines for required improvements.

^cRequired under MSC Fishery Certification Requirements 7.23.13

ARE FISHERIES FULFILLING THEIR MSC CONDITIONS OF CERTIFICATIONS?

Ten Canadian fisheries have now been re-certified by MSC for a second five-year period. According to MSC requirements, to be re-certified they should have already fulfilled all their original conditions for improvement to 'global best practice' level. However, we found that eight of these re-certified fisheries still carry conditions of certification meaning some of their fishing practices remain only at 'minimum acceptable level' even following five years of MSC certification.

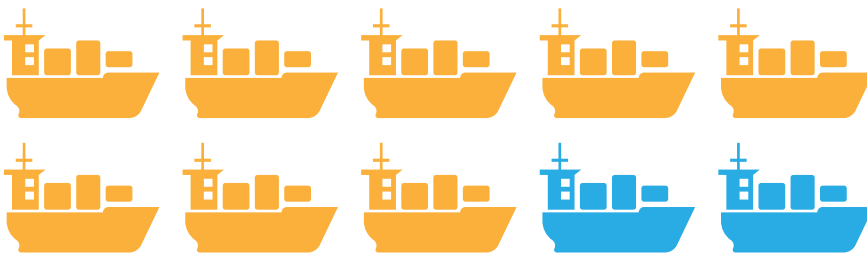
MSC finding

2

Fisheries are allowed to be re-certified and continue to carry the MSC label even when they have failed to meet their required conditions for improvement within the five-year certification deadline.

Analysis found this is happening in Canadian MSC certifications for two reasons. In 50 per cent of the cases auditors used the 'exceptional circumstances' allowance under the MSC certification rules to justify extending timelines on incomplete conditions after the five-year deadline, arguing that factors outside the fishery's control impeded their ability to meet the requirement on time. In the remaining 50 per cent of re-certified fisheries, auditors gave conditions that were technically new conditions. These new conditions are justified based on wording changes in the MSC Standard or certification guidance that meant the fishery no longer met the Standard 'global best practice'. While new conditions can help MSC ensure 'continuous improvement' as the Standard changes, in such cases re-certification rules require the new conditions to be unrelated to previously closed old conditions. Our analysis and comparison of the new and old conditions found very little difference in their substance—the new conditions actually closely resembled the previously closed conditions fisheries had supposedly made changes to fulfill.

Aside from tenuous justifications made by auditors to have continued conditions allowed at all, we were also concerned to find these eight re-certified fisheries were given a two to four year allowance to complete these re-certification conditions, instead of what should arguably have been a one year "catch-up" allowance to close the condition.



8 out of 10

re-certified fisheries have outstanding or related conditions.

This means, 80% of re-certified fisheries are being given 7-9 years to achieve MSC's 'global best practice' level.

MSC finding

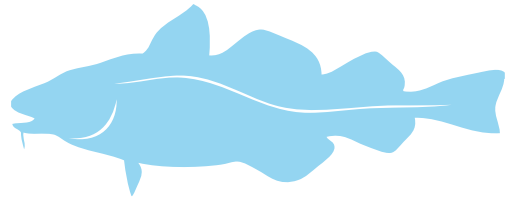
3

The inability of fisheries to meet conditions of certification within the five-year deadline may indicate some fisheries are granted MSC certification prematurely.

IS MSC ENFORCING TIME LIMITS FOR MEETING PRINCIPLE 2 CONDITIONS OF CERTIFICATION?

In 60 per cent of cases where re-certified fisheries received timeline extensions or new conditions similar to previously closed conditions, the conditions fell under Principle 2: Environment and Ecosystem Impacts. To date, no Canadian fishery has lost or had its MSC certification suspended for failing to fulfill their Principle 2 environmental impact conditions on time.

On the other hand, failures and suspensions of MSC certificates in Canada have happened when requirements for Principle 1 have not been met. The Northern and Striped Shrimp trawl in Shrimp Fishing Area failed re-certification due to the falling status of their shrimp population. The spring spawning stock of the 4R Herring fishery has fallen below acceptable MSC Principle 1 target stock level and is no longer allowed to carry the MSC certification. As well, the Canada-Newfoundland 3Ps Cod fishery self-suspended their MSC certification after one year when it appeared they would not keep their target stock management at Principle 1 'global best practice' levels.



Taken together, these findings suggest there is a less rigorous application of Standard scoring and condition deadlines for Principle 2 concerns. The ability of MSC to apply pressure on certified fisheries to improve to their 'best practice' level is eroded by the concerning trend of extending time for meeting Principle 2 criteria. This sends a message that, once in the system, fisheries need to do very little in relation to bycatch and habitat impact in particular to retain their certification and the market advantage that may come with it. This practice may reduce the leverage MSC has to actually affect change on the water and undermines stakeholder confidence that fisheries will be held accountable to action plans for improving their environmental impact.

**MSC
finding**

4

Failure to meet deadlines for Principle 2 conditions has yet to result in any Canadian fishery losing their MSC certification.



photo Ecology Action Centre

DO MSC'S CONDITIONS OF CERTIFICATION LEAD TO IMPROVEMENTS IN ENVIRONMENTAL PERFORMANCE?

With the majority of Canadian fishery landings already MSC certified, it is important to understand whether improvements continue to happen once fisheries are in the program and to assess the continued scope of change possible through MSC. The focus of our analysis was on conditions of certification given under Principle 2 – Environmental and Ecological Impacts, which primarily scores and requires improvements in a fishery's 'incidental impacts'. These are impacts on the ocean bottom habitat, non-target bycatch species, protected species, or the overall ecosystem health, for example, that may be damaged in the course of fishing.

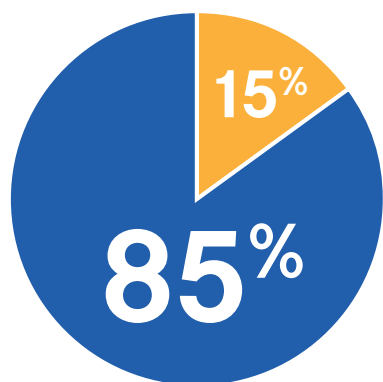
MSC finding

5

Only 15 per cent of Principle 2 'Environmental and Ecosystem Impacts' conditions of certification resulted in a change to 'on the water' fishery practices.

By tracking and analysing each action taken by certified fishery clients and/or DFO management in response to Principle 2 conditions of certification, we assessed whether fisheries changed anything about how they fished in order to move their scores up to 'global best practice' and close their conditions. Actions were categorized into either 'change on the water' or 'increased certainty'.

OUTCOME OF CERTIFICATION CONDITIONS RELATED TO REDUCING ENVIRONMENTAL IMPACT



● Closed through change on water

● Closed due to increased certainty

In total, Canadian fisheries received **73 conditions of certification under Principle 2**. As of April 2017, just over half of these conditions have been closed and only 8 have resulted in a change to fishing practice 'on the water'.

EXAMPLES OF 'CHANGE ON THE WATER' ACTIONS:

- Shrimp fishery voluntarily closed an area to fishing resulting in decreased fishing footprint
- Atlantic halibut fishery reduced quota for a bycatch species to support recovery
- Yellowtail flounder fishery implemented electronic monitoring and move-on protocol for bycatch

EXAMPLES OF ACTIONS LEADING TO 'INCREASED CERTAINTY':

- Improved map of bottom footprint of shrimp fishery showed acceptable impact, so no change needed in fishing practice
- New blue shark status assessment showed more certainty of healthy population so no management needed by certified swordfish fishery

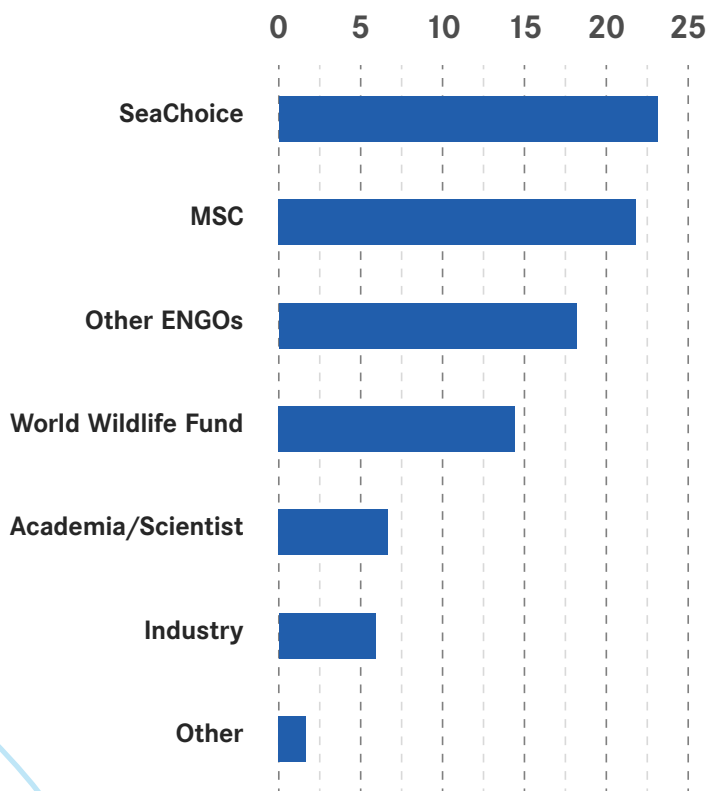
MSC argues actual changes are not necessarily the result they seek by imposing conditions—these conditions may be raised as a precaution if environmental impact risk is unknown at assessment. Nevertheless, our finding shows there is little leverage for change on issues like habitat and bycatch impact once a fishery has entered MSC certification, even with conditions for improvement. In fact, MSC's own analysis shows the most significant changes in fishing practice occur pre-certification as fisheries are preparing to meet the MSC Standard.¹⁴ Therefore, with 80 per cent of Canadian fishery landings by value and 66 per cent by volume^d already holding MSC certification, the scope of change possible through the MSC scheme in Canada may be declining.

^dJ. Lugar (Program Director Canada, MSC) personal communication on April 18, 2017.

STAKEHOLDER PARTICIPATION IN MSC CERTIFICATION PROCESSES

Over the last decade, SeaChoice and our member organizations have been stakeholders in 74 per cent of the MSC fisheries assessments in Canada. Every assessment process for MSC certification in Canada has had at least one stakeholder that submitted comments about the fishery or the auditing company scoring decisions and 25 certifications reviewed had multiple stakeholders.^e

STAKEHOLDER PARTICIPATION IN MSC CANADIAN CERTIFICATIONS



Some certifications had a high number of stakeholders from multiple sectors, including international stakeholders, especially those focused on bycatch of migratory species like whales, sea turtles and sharks. Certifications with high numbers of concerned stakeholders include: Northwest Atlantic Canada Longline Swordfish with 15 stakeholders, Eastern Canada Offshore Lobster fishery with eight stakeholders, and Pacific Hake Mid Water Trawl with five stakeholders.

Certifications that had fewer stakeholders still received comments that were extensive, offering significant knowledge about the fishery, often from several highly engaged stakeholders.

Despite the substantive expertise and effort of stakeholders, our review of stakeholder input revealed that certifying companies often dismissed, or did not respond to, stakeholder input where this input was not organized by specific scoring indicator, considering it not ‘substantive’ information. We also informally discussed participation experience with many of the stakeholder groups. They expressed that participation in the MSC certification process is very difficult to navigate for stakeholders who are not familiar with the MSC language, guidance and complexity of the scheme. They reported that understanding what was expected regarding ‘substantive’ comments was difficult.

^eAside from reviewing written comments and verbal comments noted in 31 fishery certifications included in this analysis, SeaChoice also had informal discussions with many other stakeholders during the course of the review to add to the analysis.

IS STAKEHOLDER EXPERTISE TAKEN SERIOUSLY DURING ASSESSMENT PROCESSES?

Stakeholders commented on scoring under all Principles, however the majority of concerns and information submitted in Canadian MSC assessments pertained to impact of the fishery on non-target species, habitat and broad ecosystem impacts scored under Principle 2. Many concerns were raised regarding the appropriateness of Principle 2 conditions and whether milestones were realistically achievable within the certificate timeframe. Most of these concerns were subsequently dismissed on the basis that surveillance audits would catch any fisheries 'behind target'. The eventual finding that many re-certified fisheries received extended timelines and did not complete conditions within five years, frustrated stakeholders whose initial assertions that some fisheries may be certified prematurely without sufficient pre-assessment work had been dismissed.

While it is difficult to directly measure the impact and integration of stakeholder comments by certifying companies, concerns and dissatisfaction from stakeholders should be taken seriously. This is particularly important for MSC as part of the credibility of the scheme rests on its high stakeholder participation.

Stakeholder input to certifications can take significant time for organizations to generate. Fisheries not being held to their timelines for Principle 2 conditions and inconsistent audit practices are fueling dissatisfaction among stakeholders. This erodes trust in the rigour of scoring and reinforces the perception that stakeholder comments are not given appropriate legitimacy at the time of assessment.

With the majority of Canadian seafood landings already certified, the costs and benefits of participation as a stakeholder in the MSC process must be seriously considered.



MSC finding

6

There is growing stakeholder mistrust and dissatisfaction in the MSC Standard due to condition deadline extensions, subjectivity of some certification scoring decisions and concerns that contributions are disregarded.



HOLDING THE BAR: ARE CANADIAN SALMON FARMS BEING HELD TO THE ASC STANDARD?

The majority of eco-certified Canadian aquaculture is farmed salmon, and ASC certification is being actively sought by the Canadian aquaculture industry. The British Columbia Salmon Farmers Association (BCSFA) has made a commitment that all of its Atlantic salmon farming members will be 100 per cent ASC certified by 2020.¹⁵ This commitment puts significant pressure on ASC to ensure there are sufficient qualified auditors able to process the rapidly growing number of applications, while maintaining the intended stringency of the Standard, and the credibility and rigour of the process. The first Canadian salmon farm was certified in 2015.¹⁶ As of June 2017, 17 farms representing approximately a quarter of active B.C. salmon farms are ASC certified.¹⁷

ARE FARMS IN CONFORMANCE WITH THE STANDARD?

The ASC Salmon Standard states that in order for a farm to achieve certification it “must meet 100 percent of the [Standard] requirements”.¹⁸ However, auditors can raise ‘non-conformities’ (classified as major or minor) against an audited farm. Therefore, it could be argued that non-conformities are another form of ‘conditions’ (like those found in the MSC process) which places the ASC assertion that “farms must meet 100 percent of the requirements... to achieve certification”¹⁹ into question.

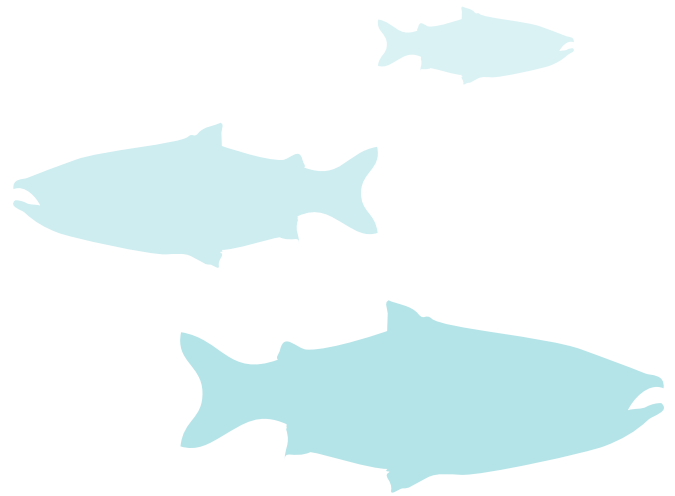
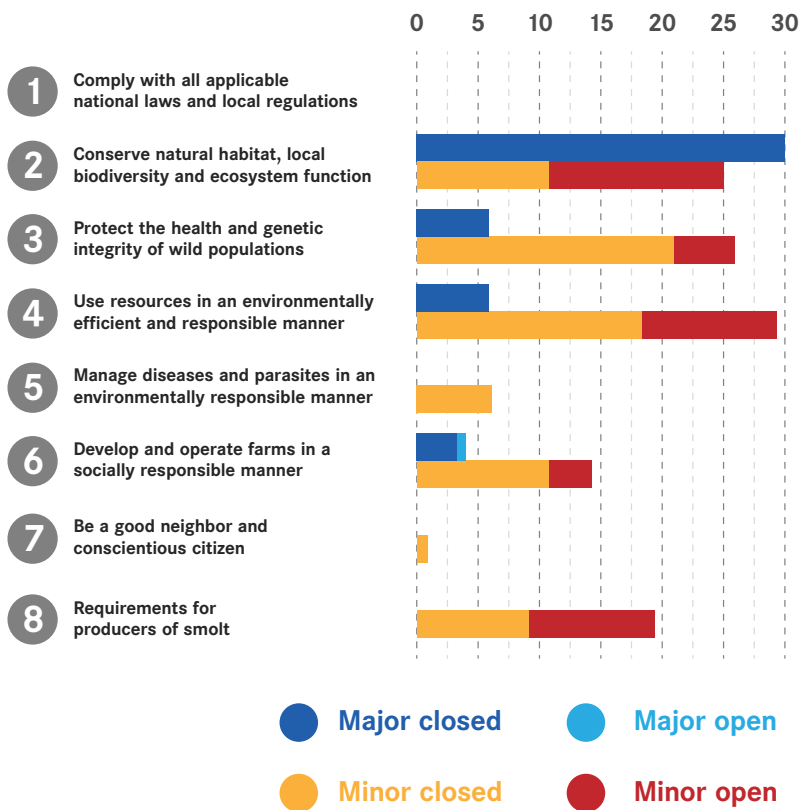


photo S. Proboszcz

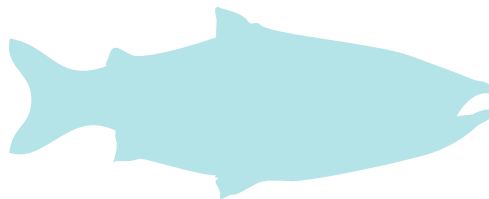


NON-CONFORMITIES BY PRINCIPLE



There have been a total of **167 non-conformities** raised against B.C. salmon farms: 46 major and 121 minor from 17 farm certifications.⁵ Failure to perform benthic sampling as required under Principle 2 of the Standard was identified as the most common major non-conformity. This is occurring because auditors have adopted the practice of auditing early in the production cycle, before the farm has reached peak biomass, which is the point at which benthic sampling is required. Early audits^h defeat the collection of many different types of data that are required to demonstrate compliance with other Standard criteria as well, although this does not always result in a non-conformity being raised. Auditors routinely justify these early audits by saying that the client farm wishes to sell the current cohort of fish under the ASC logo. The logic of such a rationalization is difficult to follow when the result of an early audit is that metric data required to demonstrate compliance is not available when the certificate is issued.

Total number of major and minor non-conformities by ASC Salmon Standard Principle.^f



ASC finding

1

Non-conformities in B.C. salmon farms represents a departure from the ASC Standard requiring '100 per cent compliance' to be certified.

^fWhere audit reports grouped more than one indicator under the one non-conformity report, these were separated to reflect the true number of non-conformities. Where audit reports listed the same indicator in two or more non-conformity reports, these were merged as one non-conformity; where two or more minor non-conformities were given for the same indicator, these were elevated to one major non-conformance. This is in accordance with the CARv2.0 Annex A which requires one non-conformity report per indicator requirement and two or more minors to be raised as one major.

⁵Total count is derived from the 23 audits of the 17 ASC certified salmon farms (17 initial and 6 surveillance).

^hEarly auditing is further discussed under The Adequacy of Audit Processes.

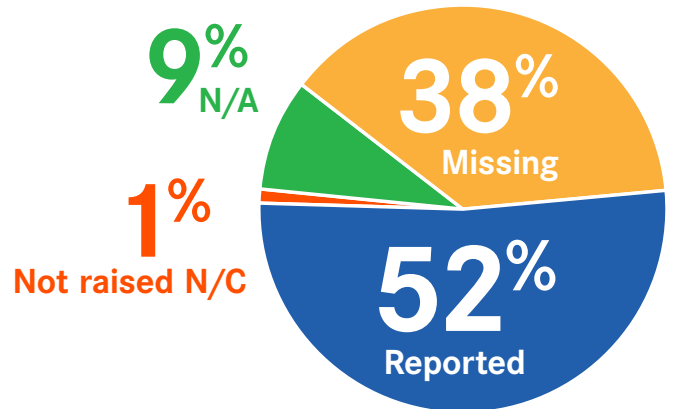
IS EVIDENCE OF FARM COMPLIANCE TO THE STANDARD PROVIDED BY AUDITORS?

One of the attributes of the Salmon Standard is that many indicators must be measured against farm specific information – performance metrics taken from the farm site – and cannot be measured against aggregate data over several farms in one region. Farm level metrics enable the Standard to be specific and measurable with the intention to help drive on-farm continuous improvements.

The Standard also promotes transparency as auditors are required to record farm level indicator metrics within audit reports as evidence of compliance with the Standard. We reviewed 18 key Performance Indicators to examine whether a metric was provided in the 17 full (initial) assessment audits completed in B.C.

Early auditing is likely the main reason why many audit reports failed to record metric data establishing compliance with indicators: the sampling or analysis simply hasn't been done yet. Despite the lack of evidence of compliance as demonstrated in our analysis, all farms achieved certification.

AUDIT EVIDENCE



REPORTED = a metric is provided

MISSING = no metric is provided

NOT RAISED = the metric or evidence suggests a non-conformance ought to be raised but was not

NOT APPLICABLE = the farm is not required to complete the indicator.ⁱ

Review of farm-level metrics of select Salmon Standard indicators in initial (full) assessment audit reports

ⁱWhere an audit report noted "N/A" for an indicator that required compliance, this was categorized as "Missing" (i.e. no metric was provided).

ASC finding

2

Evidence of compliance is often missing from audits of B.C. salmon farms.





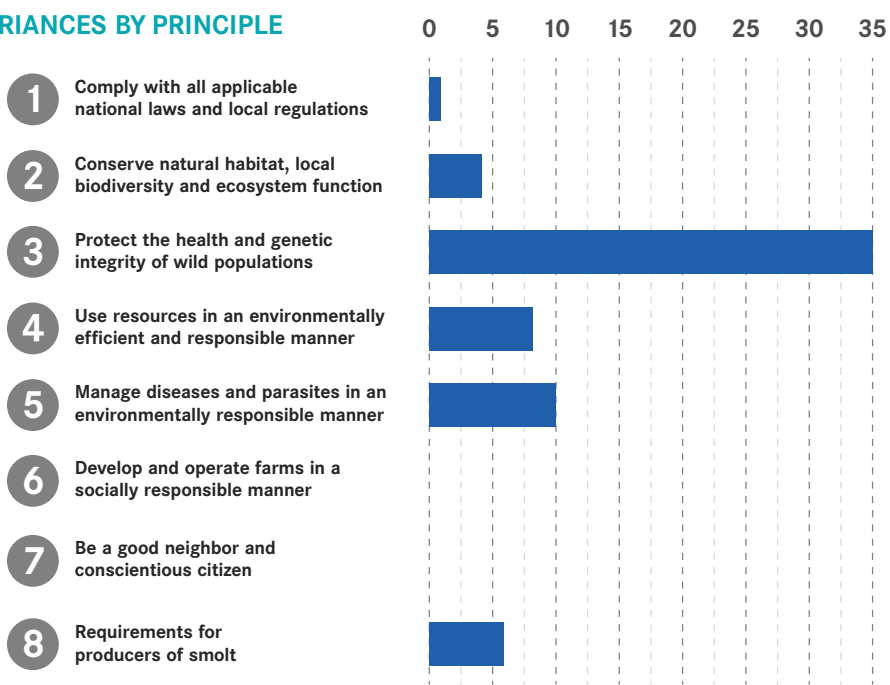
photo S. Proboszcz

DO VARIANCES ALLOW B.C. FARMS TO BE ASC CERTIFIED?

The auditor conducting a salmon farm certification can submit a variance request to the ASC’s Variance Request (VR) committee when there is a situation that is not covered by the Standard or audit documents, or the auditor believes the evidence indicates an appropriate case for relieving a farm from the application of a criterion.²⁰ In practice, an approved variance can allow the auditor to successfully close out, or avoid raising a non-conformance.

The variance approval process lacks stakeholder engagement or third-party oversight. However, there appears to be opportunity for industry/the farm owner to influence the process through the submissions made in support of the VR.²¹ The absence of stakeholder engagement opportunities within the ASC variance process raises the concern that the scheme is not entirely meeting its commitments to ISEAL’s Standard Setting Code.²²

VARIANCES BY PRINCIPLE



Twenty-two variance requests associated with the Standard have been submitted for Canadian farms. Thirteen variances defer to government regulation in place of the Standard requirements. Many of these variances have been treated as if they set a precedent for all B.C. farms and have been applied **64 times to date**.



Total number of ASC approved variances applied to the ASC Salmon Standard Principles for certified farms.

ASC finding

3

ASC’s variance process is overriding the multi-stakeholder agreements on which the Standard’s social licence is based. As there is no stakeholder engagement, the variance process may not meet ASC’s ISEAL commitments.



photo S. Proboszcz

DO VARIANCES ALLOW B.C. FARMS TO BE ASC CERTIFIED?

The most routinely reapplied variances in B.C. are the two sea lice variances under Principle 3 of the Standard. These variances replace the ASC Standard's threshold of 0.1 female lice per fish with the DFO Pacific Aquaculture Regulation's (PAR) 3 motile *L. salmonis* per fish.^{23,24} Auditors routinely cite the variance number and the PAR regime, but no upper limit on absolute lice abundance, or on lice per fish, is applied. **Consequently, B.C. farms with sea lice levels more than 60 times²⁵ the Standard threshold have been certified.**²⁶ The metric provided by the Standard has been replaced, in effect, with a management standard: so long as the lice are being treated in accordance with government management requirements, the farms are deemed certifiable.

ASC
finding

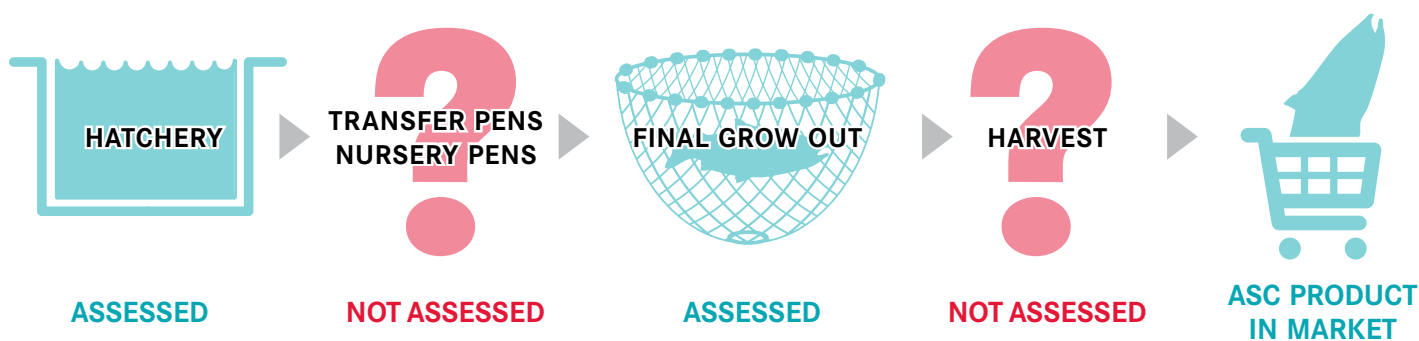
4

Variations from the ASC Salmon Standard criteria enable B.C. farms to be certified.

DOES THE ASC AUDIT ASSESS COMPLIANCE AT ALL STAGES OF FARM PRODUCTION?

ASC defines a 'unit of certification' to include all production, harvest and processing sites up to the point where the product enters the chain of custody.²⁷ The production cycle of a B.C. farmed salmon commonly includes an intermediary farm (often referred to as smolt-entry site, transfer pen, nursery pen or initial grow-out site) and is typically used between the hatchery and final grow-out stage. Consequently, it would be expected all stages of the production cycle be assessed against the Standard's environmental and social criteria. In nine B.C. audits reviewed, auditors failed to include relevant data from intermediary sites in reaching their certification decisions.

The ASC's Certification and Accreditation Requirements stipulate that the initial audit is to be conducted at the end of the production cycle – at harvest.²⁸ Despite this requirement, audits are routinely conducted early in the production cycle with no justification other than the indication that the client farm wishes to market the current cohort of fish under the ASC logo. Another ASC requirement states audits shall not be conducted until there are sufficient records and evidence to confirm compliance with the Standard.²⁹ Numerous Standard indicators rely on a complete production cycle worth of data. B.C. farms are routinely certified with outstanding or missing data requirements, with no public indication if, how or when these data gaps are closed.



ASC initial full assessment audits: where production cycle gaps have been omitted from audit

Up to a year of production time could be excluded from the production cycle assessed in an ASC audit as auditors omit the intermediary farm stage (i.e., transfer and nursery pens). **At least nine farms** in Canada were certified without assessment of their intermediary stage facilities. Only two out of 17 initial audits confirmed that the auditor actually assessed data collected up to the point of harvest. Therefore, the full unit of certification is not being assessed in B.C.; and the assessments of the grow-out sites have been routinely truncated by conducting audits prior to harvest.

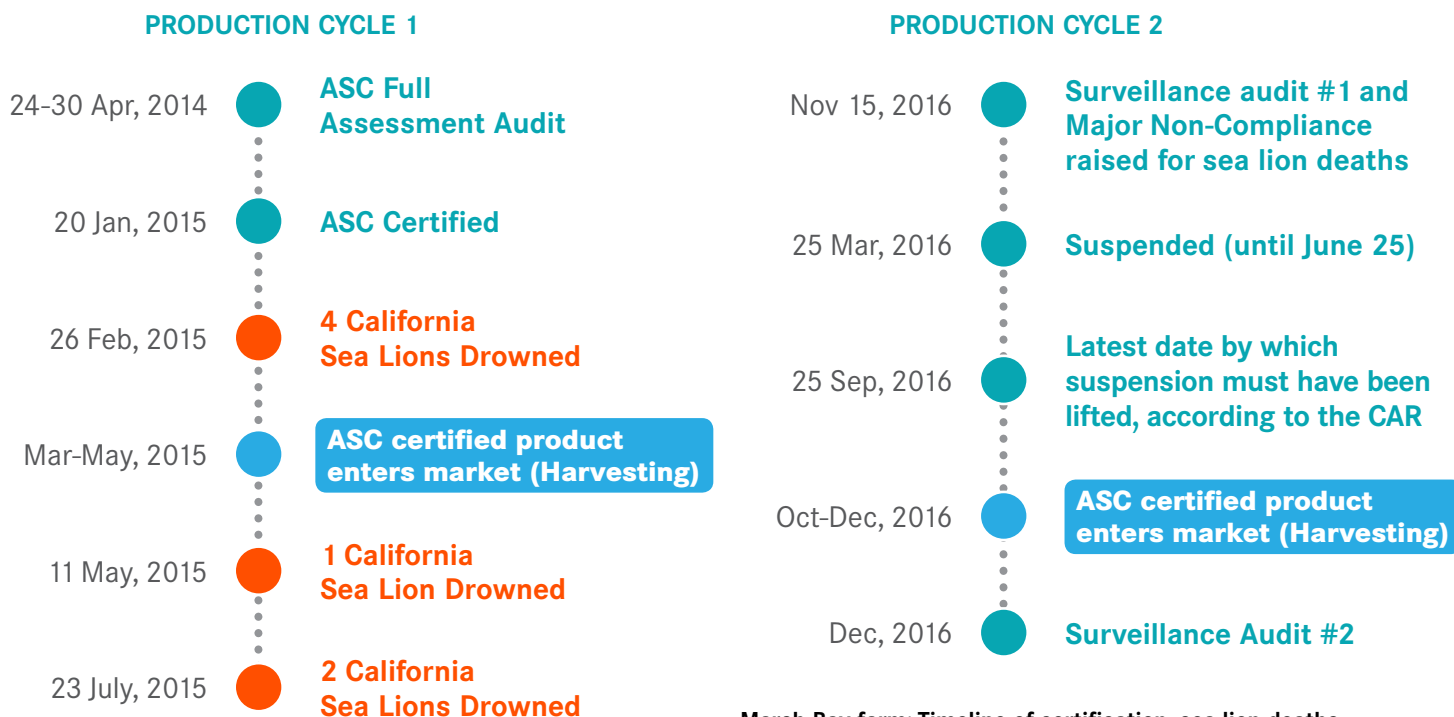
ASC finding

5

Significant stages of the production cycle are never assessed against the ASC Standard. Up to a year is omitted from compliance to the Standard.

IS ASC ADEQUATELY ENFORCING SUSPENSION AND REVOCATION RULES FOR FARMS WITH MAJOR BREACHES?

There is evidence to suggest non-compliant products have entered the marketplace with the ASC logo.³⁰ Specifically, the timeline of events for Marsh Bay salmon farm shows that despite seven sea lion deaths,³¹ the raising of a major non-conformity and suspension, the farm has *twice* successfully harvested and entered the market with the ASC certification. Had the initial audit taken place at harvest time in March, the farm would not have qualified for certification. There is still no public information to indicate what remedial steps the farm may have taken to prevent future marine mammal deaths.



Marsh Bay farm: Timeline of certification, sea lion deaths, harvest, non-compliance raised and suspension dates
Sources: ASC, MHC and DFO.

This case study is just one instance that demonstrates that farms with valid ASC certificates that may have major non-conformances (whether raised or not), that should mean suspension of certification, can actually continue to enter its products into the chain of custody and legally bear the ASC certification in the marketplace. The ability to market product as ASC certified while being in major non-compliance, undermines the assertion in the Salmon Standard that farms must meet 100 per cent of requirements to be certified. Rules regarding non-compliance arising during the validity of the certificate, as well as suspension and revocation procedures, are inadequate.

ASC finding

6

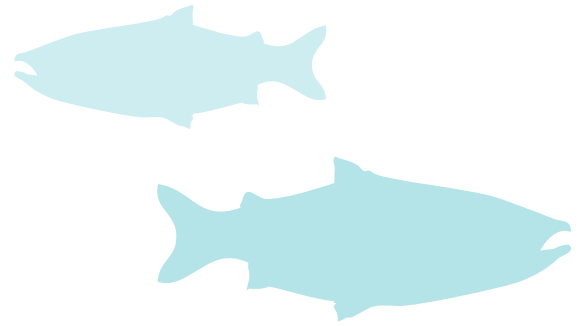
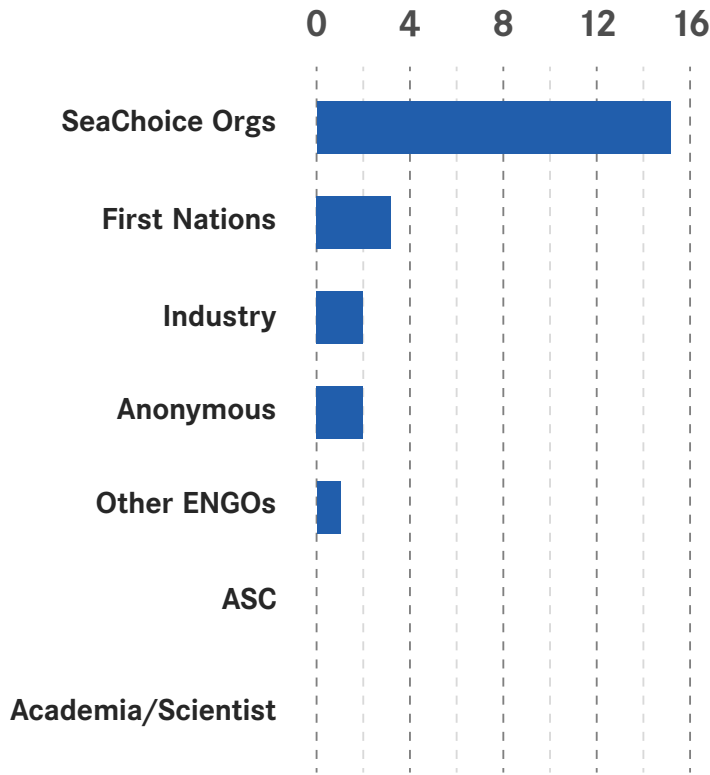
Farms in major non-compliance to the Standard can sell their product as ASC certified. This suggests ASC's suspension and revocation rules are inadequate and/or underused.

³⁰The maximum number of marine mammal deaths allowed under the Salmon Standard is two within a two-year period.

STAKEHOLDER PARTICIPATION IN ASC CERTIFICATION PROCESSES

SeaChoice and our member organizations have been stakeholders in **88 per cent** of Canadian farm audits.

STAKEHOLDER PARTICIPATION IN ASC CANADIAN CERTIFICATIONS



52 per cent of the total stakeholder count was from the ENGO sector. Industry stakeholders who were not part of the client group accounted for 23 per cent and stakeholders from First Nations represented 17 per cent. No independent scientists or academics have engaged during an audit; nor has the ASC itself engaged as a stakeholder on Canadian audits.

A total of 17 stakeholders were identified as being actively engaged during at least one of the B.C. certified farms' audit processes. However, since 2015, while a diverse range of stakeholders are routinely listed within audit reports as being notified of ASC assessments, only the SeaChoice groups and our organizational group colleagues have remained 'active' stakeholders.

We have found the auditors' response to the stakeholder submissions has been varied, ranging from complete dismissal to thoughtful rejections of issues raised. Six official farm objections to auditor bodies and three formal complaints for two farms have been filed with the accreditation body, Accreditation Services International (ASI) which oversees the auditors. While direct stakeholder interaction with the auditor has seldom resulted in an audit finding being changed, complaints to ASI have thus far provided an effective avenue to hold auditors accountable.

ASC finding

7

The potential effectiveness of stakeholder engagement is limited by ASC governance processes.

MSC AND ASC ROLE AS CATALYST FOR CHANGE

Both eco-certifications have played useful roles identifying gaps in sustainable seafood production and governance in Canada. Industry engagement in market based eco-certification schemes, in order to gain access to markets demanding increased sustainability and traceability, has helped propel a regime shift in how Canadian producers and governments engage the sustainable seafood movement. The rise of eco-certifications has compelled both industry and government regulators to become more proactive over the last decade in addressing sustainability concerns.

Our assessment of Canadian MSC certifications shows that the conditions of certification have proven to be an important catalyst for increased data transparency, improved research and analysis and more timely policy implementation from the government. Successful completion of most conditions, especially related to the target stock and management policies, demonstrate that fishery clients and DFO do respond to MSC certification requirements and have invested resources to meet the certification milestones.

The newer ASC scheme has yet to demonstrate such a catalyst role in Canada. However, data reporting on company websites has improved for farms that are ASC certified, in regard to on-farm sea lice counts, marine mammal and bird entanglements and estimated unexplained loss.



NEXT STEPS FOR SEAFOOD ECO-LABELS IN CANADA

While both eco-certifications may have been on the cutting edge of best practice at their outset, our analysis suggests this is no longer the case. After a decade, the role of MSC to help push improvement forward in Canadian fisheries is increasingly limited with most Canadian fisheries now certified. After only two years in Canada, ASC is in danger of lowering its sustainability bar by deferring to government regulations that are below their Standard.

It is essential that the Standards' requirements of 'sustainability' are set high enough to reap adequate improvements to fishery and farming practice as they aim for certification. The schemes, otherwise, are only reinforcing status quo and, at worst, potentially undermining efforts to raise the bar higher. At risk is the credibility of eco-certifications, and ultimately, the health of marine ecosystems.

A primary consideration for stakeholder engagement with MSC and ASC eco-certifications going forward is related to the relative maturity of the schemes. After 20 years, MSC is the largest global player in seafood certification with many policy and Standard iterations, and a complex bureaucracy that is difficult for stakeholders to navigate. Our analysis found little remaining leverage through MSC to improve Canadian fisheries until the MSC Standard itself is improved and its application made more rigorous. Consequently, given the time required to engage in the MSC assessments, surveillance audits, and other program consultations as stakeholders, we see the most strategic engagements with MSC in Canada are:

- 1 Working to improve remaining non-certified fisheries in their 'pre-MSC assessment' phase;**
- 2 Raising the bar for minimum best practice required by the MSC Standard; and**
- 3 Ensuring credible and rigorous application of new certification requirements.**

In contrast, as the ASC is still in its infancy stage, our analysis identified a number of leverage points and key recommendations,^k which if enacted, could strengthen the eco-certification scheme in the long term. In 2017-2018 significant changes are expected in the ASC scheme, and these include the harmonizing of all individual single species Standards under one Standard and the enabling of groups of farm sites to be certified at once (i.e. instead of individually). These strategic shifts will move the ASC further away from the original intent of the multi-stakeholder agreements that established the Standard(s). We strongly encourage the ASC to address the concerns and enact the recommendations outlined in our technical report before launching these changes. Therefore, we see the most strategic engagement with ASC in Canada are, as per our key recommendations:

1 Holding the bar for minimum best practice by the ASC Standard; and

2 Ensuring credible and rigorous application of the auditor rules and requirements.

While the MSC has played a role in sustainability gains, especially at times when political will was absent, and ASC has the potential to do so as it matures, ultimately it is robust government fisheries and aquaculture science and policies that are needed to ensure a sustainable seafood industry for generations to come. SeaChoice will work to ensure Canadian policy makers do not rely on private eco-certifications to define, and in some cases, achieve, sustainability goals, in lieu of development and implementation of robust policies and regulations of their own.

^kThe list of key recommendations can be viewed in the ASC Technical Report along with ASC's response.



photo S. Proboszcz

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All Public Certification Reports and Annual Surveillance Reports for each Canadian MSC fishery certified were accessed at fisheries.msc.org/en/fisheries/

All Final Assessment Reports and Surveillance Audits for each Canadian ASC certified farm were accessed at asc-aqua.org

MSC AND ASC CERTIFICATION IN CANADA

MSC FISHERIES

Certified

Canadian Offshore Northern Shrimp Shrimp Trawl Fishery (SFA 1)
Canadian Offshore Northern Shrimp and Striped Shrimp Trawl Fishery (SFA 2, 3, 4, 5, 6)
Gulf of St Lawrence Northern Shrimp Trawl Fishery (SFA 8, 9 10, 12)
Canadian Scotian Shelf Northern Prawn Trawl Fishery (SFA 13, 14, 15)
Southern Gulf of St Lawrence Snow Crab Trap Fishery
Scotian Shelf Snow Crab Trap Fishery
Newfoundland & Labrador Snow Crab Trap Fishery
Eastern Canada Offshore Lobster Fishery
Bay of Fundy, Scotian Shelf, Southern Gulf of St Lawrence Lobster Trap Fishery
Gaspésie Lobster Trap Fishery
Îles de la Madeleine Lobster Trap Fishery
Prince Edward Island Lobster Trap Fishery
Banquereau and Grand Bank Artic Surf Clam Fishery
FBSA Canada Full Bay Sea Scallop Fishery
Eastern Canada Offshore Scallop Fishery
Canada Atlantic Halibut Fishery
Canada Scotia Fundy Fishery for Haddock (5Zjm, 4X5Y)
Canada 3LN Redfish
OCI Grand Bank Yellow Tail Flounder Trawl Fishery
North West Atlantic Canada Longline Swordfish Fishery
North West Atlantic Canada Harpoon Swordfish Fishery
Southern Gulf of St Lawrence Fall Herring Gillnet Fishery
NAFO Division 4R Atlantic Herring Purse Seine Fishery
Canadian 4VWX Herring Purse Seine Fishery
Canada Pacific Halibut (British Columbia) Hook-and-Line Fishery
Pacific Hake Mid Water Trawl Fishery
CHMSF Albacore Tuna North Pacific Fishery
Waterhen Lake Walleye and Northern Pike Gillnet Commercial Fishery
Lake Erie Yellow Perch and Lake Erie Walleye Gillnet and Mesh Trap Commercial Fisheries
British Columbia Chum Salmon Fisheries
British Columbia Pink Salmon Seine, Troll, and Gillnet Fishery
British Columbia Commercial Sockeye Salmon Fisheries

Withdrawn

Canada Pacific Sablefish Fishery
British Columbia Hook and Line Spiny Dogfish Fishery

Self-suspended

Canada/Newfoundland 3Ps Atlantic Cod Fishery

Failed

Canadian Offshore Northern Shrimp Trawl Fishery (SFA 7)

ASC FARM LOCATIONS*

Certified

Bare Bluff
Brent Island
Bull Harbour
Chancellor
Doyle Island
Duncan Island
Glacier Falls
Goat Cove
Marsh Bay
McIntyre Lake
Monday Rock
Mussel Rock
Phillips Arm
Raza Island
Sheep Passage
Venture Point
Westside

Withdrawn

Liverpool
Shelter Bay

In assessment

Burwood
Doctor Islets
Hardwicke Island
Maude
Shelter Pass
Sir Edmund Bay
Sonora Point
Wicklow Point

Suspended temporarily

Marsh Bay

*All farms are located in B.C. except for the Liverpool farm which is located in Nova Scotia.

Supporting MSC and ASC technical reports can be found at
seachoice.org/whats-behind-the-label/



SeaChoice.org
for healthy oceans

info@seachoice.org

SeaChoice.org



David
Suzuki
Foundation

SOLUTIONS ARE IN OUR NATURE



Ecology
Action
Centre



**LIVING
OCEANS**